

#### REMARKS

The Examiner has rejected claims 1-16 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,064,380 to Swenson et al.

The Swenson et al. patent discloses bookmark for multi-media content, in which an apparatus arranged to playback a multi-media file, stores the position at which the playing back of the file was stopped thereby enabling a user to return to the stopped position when desired.

As noted in MPEP §2131, it is well founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 claims "An apparatus for recording comprising:  
means for receiving a source signal having associated first play time information;

means for generating a recorded signal from the source signal, the recorded signal comprising at least a portion of the source signal including a recording discontinuity with respect to the source signal; and

means for generating second time information for the recorded signal in response to the first play time information and the recording discontinuity."

The Examiner has indicated that Swenson et al. discloses all of the limitations in independent claims 1 and 13, as well as in the dependent claims, and indicates "column 4 line 62 to column 5 line 24".

Applicants submit that the Examiner is mistaken. In particular, Swenson et al., at col. 4, line 62 to col. 5, line 24, states:

"If a user clicks on the "Stop Without Saving" selection, any video or multimedia file being played will be stopped and the program will not save the position at which the file was stopped. However, if a user click on the "Stop & Save Position" button, the file being played will be stopped and the position at which the file was stopped will be saved to persistent memory such the user's disk drive or in a data file associated with the user's browser program and stored on the user's hard drive. The position at which the multimedia presentation was terminated may also be transferred to the server or other persistent memory location for storage in persistent memory associated with the multimedia file or with other user data. A user may also selectively designate a custom name for the saved file by inputting in the "Title To Save" input area on the display screen. In any case, the position in the multimedia file at which the presentation was stopped represents the position at which a subsequent request to play the particular multimedia file will be initiated. The subsequent start position may also include a rewind of a predetermined or selectable length from the previously terminated position in order to refresh the user with the latter portion of the previously viewed video or other multimedia file. The saved "Title", along with other and previously saved files and file segments, may be listed in the "Multimedia Files" section of the screen display as in a typical "bookmark" function. A user may select one of the multimedia files from the "Multimedia Files" screen area to initiate the playing of the

selected multimedia file from the previously saved position at which the file was last terminated."

It should be apparent from the above that Swenson et al. merely relates to locally storing a signal indicating a position at which the playing of a multimedia file is stopped to enable resuming of play at the prior stopped position, or at a position a predetermined amount of time prior to the prior stopped position at some later time.

In the subject invention as described in the specification on page 7, line 28, to page 8, line 18, the recording controller 203 receives the source signal and generates a recorded signal for storage in the storage medium 205. This recorded signal comprises at least a portion of the source signal including a recording discontinuity with respect to the source signal.

Applicants therefore submit that there is no disclosure or suggestion in Swenson et al. of "means for generating a recorded signal from the source signal, the recorded signal comprising at least a portion of the source signal including a recording discontinuity with respect to the source signal".

As noted above, the subject invention, as claimed in claim 1, further includes "means for generating second time information for the recorded signal in response to the first play time information and the recording discontinuity."

Swenson et al. merely discloses receiving a source signal having associated time information (col. 5, lines 44-51), and using that time information to determine and store a signal indicative of

a stop position. However, Swenson et al. neither discloses nor suggests generating a second time information for the recorded signal in response to the first time information and the recording discontinuity.

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1-16, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

by           /Edward W. Goodman/            
Edward W. Goodman, Reg. 28,613  
Attorney  
Tel.: 914-333-9611